

**Before the State of South Carolina
Department of Insurance**

In the Matter of:

Jessica A. Cole

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SCDOI Docket # 06-0785

ORDER REVOKING
RESIDENT PRODUCER
LICENSE

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting the revocation of Jessica A. Cole, (Producer) resident producer's license.

After careful review of the evidence presented the Department issues the following decision:

FINDINGS OF FACT

Producer is currently a South Carolina resident producer.

In the State of South Carolina, the producer backdated an insurance policy with the intent to defraud the Progressive Northern Insurance Company.

In the State of South Carolina, the producer conspired with Karen Britt to submit an application for insurance, knowing that the application contained false or misleading information or omissions concerning fact or material to the underwriting of the insurance for which the application was submitted.

CONCLUSIONS OF LAW

Pursuant to S.C. Code §38-43-130(A)(C)(8) (A): "The Director or his designee may place on probation, revoke, or suspend a producer's license after ten days' notice or refuse to issue or reissue a license when it appears that a producer has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State." (C): "The words 'deceived or dealt unjustly with the citizens of this State' include, but not limited to, action or inaction by the producer as follows:" (8): "using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere." Because Jessica A. Cole backdated an insurance policy with the intent to defraud the Progressive Northern Insurance Company, the Department now moves to revoke her South Carolina's producer license.

Pursuant to S.C. Code §38-43-245(1)(2): "A licensed insurance producer who, with the intent to injure, defraud, or deceive any insurance company or applicant for insurance" (1):

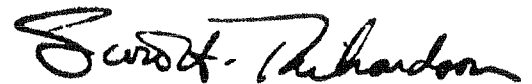
“presents or causes to be presented to any insurance company an application for insurance, knowing that the application contains any false or misleading information or omissions concerning any fact or thing material to the underwriting of the insurance for which the application is submitted, or:” (2): “assists, abets, solicits, or conspires with another to prepare or make an application for insurance, knowing that the application contains any false or misleading information or omissions concerning fact or thing material to the underwriting of the insurance for which the application is submitted, is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than five years or a fine not to exceed five thousand dollars, or both.” Because Jessica A. Cole conspired with Karen Britt to submit an application for insurance, knowing that the application contained false or misleading information or omissions concerning fact or material to the underwriting of the insurance for which the application was submitted, the Department now moves to revoke her producer’s license.

ORDER

THEREFORE, it is ordered that Jessica A. Cole’s South Carolina resident producer license shall be revoked thirty (30) days from the date of this order, and no license issued through the State of South Carolina Department of Insurance is to be issued to her, unless Jessica Cole requests in writing within said thirty (30) day period a public hearing before the South Carolina Administrative Law Court.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately be notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina’s *freedom of Information Act*, S.C. Code Ann. §§30-4-10, et seq. (1991 and Supp. 2006). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to “report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report.” S.C. Code Ann. §38-3-110(3) (Supp. 2006).



Scott H. Richardson
Director of Insurance

Dated this 4th day of April 2007